

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ROBERT PEOPLES,

Plaintiff,

vs.

WELLS FARGO BANK, AFIZA HOMAM, New  
Account Specialist, Customer Service,  
ANGELICA TENCHZVEZ, Manager Custom  
Service, Individual, Official Capacity,  
INTERNAL REVENUE SERVICE, DEBORAH  
J. EGAN, Operations Manager, Ogden, Utah,  
DOES I THROUGH V, Individual/Official  
Capacity,

Defendants.

2:07-cv-01025-RCJ-PAL

**ORDER**

**INTRODUCTION**

This matter comes before the Court on the Magistrate Judge's Report and Recommendations (#60) and Plaintiff's Objections to the Magistrate Judge's Report and Recommendations (#63). The Court has considered Plaintiff's Motion, the Magistrate Judge's Report and Recommendations and the pleadings on file on behalf of all parties. IT IS HEREBY ORDERED that the Report and Recommendation of Magistrate Judge Leen (#60) is accepted, and Plaintiff's Objections (#63) are overruled.

**BACKGROUND**

On September 25, 2007, Peoples filed a motion requesting leave to file a RICO Act Statement pursuant to Federal Rule of Civil Procedure 15. Peoples also requested to amend the

1 Statement (RICO) with additional details and supporting Points and Authorities,” and states his  
2 intentions to draft a complaint under RICO “[a]fter processing Discovery procedures.” (#27 at 29).  
3 Magistrate Judge Leen entered her Report and Recommendation on December 11, 2007,  
4 recommending that Plaintiff’s Motion for Leave to file RICO Act Statement (#27) be denied.

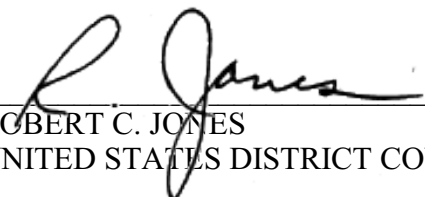
### 5 DISCUSSION

6 The Court has conducted a *de novo* review of the record in this case in accordance with 28  
7 U.S.C. § 636(b)(1)(B) and LR IB 3-2, and accepts the Report and Recommendation of Magistrate  
8 Judge Leen. Judge Leen correctly denied Peoples’ Motion to File a RICO Act Statement for two  
9 reasons. First, Peoples amended complaint failed to comply with Fed. R. Civ. P. 8(a)(2), requiring  
10 a pleading to contain, “a short and plain statement of the claim showing that the pleader is entitled  
11 to relief.” Judge Leen found, and this Court agrees, that Peoples’ RICO statement was cumbersome  
12 in length and difficult to comprehend. Second, Judge Leen found that peoples already filed a  
13 complaint alleging violations of RICO. Under the Federal Rules of Civil Procedure, Peoples may  
14 not use an amended complaint to argue all the evidence in support of his complaint, as he attempted  
15 to do in his motion. Thus, Peoples’ Statement did not meet the pleading requirements under federal  
16 law and that justice does not require granting Peoples leave to amend his complaint.

### 17 CONCLUSION

18 IT IS HEREBY ORDERED that the Report and Recommendations of Magistrate Judge  
19 Peggy A. Leen (#60) is accepted in denying Peoples’ Motion to File RICO Act Statement (#27), and  
20 Plaintiff’s Objections (#27) are overruled.

21 DATED: March 18, 2008

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24 ROBERT C. JONES  
UNITED STATES DISTRICT COURT JUDGE

25 (j)